



General Assembly

February Session, 2008

Amendment

LCO No. 6080

SB0003206080SD0

Offered by:
SEN. HARRIS, 5th Dist.

To: Subst. Senate Bill No. 32

File No. 584

Cal. No. 382

"AN ACT CONCERNING THE FINANCIAL CONDITION OF NURSING HOMES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subdivision (4) of subsection (f) of section 17b-340 of the
4 2008 supplement to the general statutes is repealed and the following
5 is substituted in lieu thereof (*Effective July 1, 2008*):

6 (4) For the fiscal year ending June 30, 1992, (A) no facility shall
7 receive a rate that is less than the rate it received for the rate year
8 ending June 30, 1991; (B) no facility whose rate, if determined pursuant
9 to this subsection, would exceed one hundred twenty per cent of the
10 state-wide median rate, as determined pursuant to this subsection,
11 shall receive a rate which is five and one-half per cent more than the
12 rate it received for the rate year ending June 30, 1991; and (C) no
13 facility whose rate, if determined pursuant to this subsection, would be
14 less than one hundred twenty per cent of the state-wide median rate,
15 as determined pursuant to this subsection, shall receive a rate which is

16 six and one-half per cent more than the rate it received for the rate year
17 ending June 30, 1991. For the fiscal year ending June 30, 1993, no
18 facility shall receive a rate that is less than the rate it received for the
19 rate year ending June 30, 1992, or six per cent more than the rate it
20 received for the rate year ending June 30, 1992. For the fiscal year
21 ending June 30, 1994, no facility shall receive a rate that is less than the
22 rate it received for the rate year ending June 30, 1993, or six per cent
23 more than the rate it received for the rate year ending June 30, 1993.
24 For the fiscal year ending June 30, 1995, no facility shall receive a rate
25 that is more than five per cent less than the rate it received for the rate
26 year ending June 30, 1994, or six per cent more than the rate it received
27 for the rate year ending June 30, 1994. For the fiscal years ending June
28 30, 1996, and June 30, 1997, no facility shall receive a rate that is more
29 than three per cent more than the rate it received for the prior rate
30 year. For the fiscal year ending June 30, 1998, a facility shall receive a
31 rate increase that is not more than two per cent more than the rate that
32 the facility received in the prior year. For the fiscal year ending June
33 30, 1999, a facility shall receive a rate increase that is not more than
34 three per cent more than the rate that the facility received in the prior
35 year and that is not less than one per cent more than the rate that the
36 facility received in the prior year, exclusive of rate increases associated
37 with a wage, benefit and staffing enhancement rate adjustment added
38 for the period from April 1, 1999, to June 30, 1999, inclusive. For the
39 fiscal year ending June 30, 2000, each facility, except a facility with an
40 interim rate or replaced interim rate for the fiscal year ending June 30,
41 1999, and a facility having a certificate of need or other agreement
42 specifying rate adjustments for the fiscal year ending June 30, 2000,
43 shall receive a rate increase equal to one per cent applied to the rate the
44 facility received for the fiscal year ending June 30, 1999, exclusive of
45 the facility's wage, benefit and staffing enhancement rate adjustment.
46 For the fiscal year ending June 30, 2000, no facility with an interim rate,
47 replaced interim rate or scheduled rate adjustment specified in a
48 certificate of need or other agreement for the fiscal year ending June
49 30, 2000, shall receive a rate increase that is more than one per cent
50 more than the rate the facility received in the fiscal year ending June

51 30, 1999. For the fiscal year ending June 30, 2001, each facility, except a
52 facility with an interim rate or replaced interim rate for the fiscal year
53 ending June 30, 2000, and a facility having a certificate of need or other
54 agreement specifying rate adjustments for the fiscal year ending June
55 30, 2001, shall receive a rate increase equal to two per cent applied to
56 the rate the facility received for the fiscal year ending June 30, 2000,
57 subject to verification of wage enhancement adjustments pursuant to
58 subdivision (15) of this subsection. For the fiscal year ending June 30,
59 2001, no facility with an interim rate, replaced interim rate or
60 scheduled rate adjustment specified in a certificate of need or other
61 agreement for the fiscal year ending June 30, 2001, shall receive a rate
62 increase that is more than two per cent more than the rate the facility
63 received for the fiscal year ending June 30, 2000. For the fiscal year
64 ending June 30, 2002, each facility shall receive a rate that is two and
65 one-half per cent more than the rate the facility received in the prior
66 fiscal year. For the fiscal year ending June 30, 2003, each facility shall
67 receive a rate that is two per cent more than the rate the facility
68 received in the prior fiscal year, except that such increase shall be
69 effective January 1, 2003, and such facility rate in effect for the fiscal
70 year ending June 30, 2002, shall be paid for services provided until
71 December 31, 2002, except any facility that would have been issued a
72 lower rate effective July 1, 2002, than for the fiscal year ending June 30,
73 2002, due to interim rate status or agreement with the department shall
74 be issued such lower rate effective July 1, 2002, and have such rate
75 increased two per cent effective June 1, 2003. For the fiscal year ending
76 June 30, 2004, rates in effect for the period ending June 30, 2003, shall
77 remain in effect, except any facility that would have been issued a
78 lower rate effective July 1, 2003, than for the fiscal year ending June 30,
79 2003, due to interim rate status or agreement with the department shall
80 be issued such lower rate effective July 1, 2003. For the fiscal year
81 ending June 30, 2005, rates in effect for the period ending June 30, 2004,
82 shall remain in effect until December 31, 2004, except any facility that
83 would have been issued a lower rate effective July 1, 2004, than for the
84 fiscal year ending June 30, 2004, due to interim rate status or
85 agreement with the department shall be issued such lower rate

86 effective July 1, 2004. Effective January 1, 2005, each facility shall
87 receive a rate that is one per cent greater than the rate in effect
88 December 31, 2004. Effective upon receipt of all the necessary federal
89 approvals to secure federal financial participation matching funds
90 associated with the rate increase provided in this subdivision, but in
91 no event earlier than July 1, 2005, and provided the user fee imposed
92 under section 17b-320 is required to be collected, for the fiscal year
93 ending June 30, 2006, the department shall compute the rate for each
94 facility based upon its 2003 cost report filing or a subsequent cost year
95 filing for facilities having an interim rate for the period ending June 30,
96 2005, as provided under section 17-311-55 of the regulations of
97 Connecticut state agencies. For each facility not having an interim rate
98 for the period ending June 30, 2005, the rate for the period ending June
99 30, 2006, shall be determined beginning with the higher of the
100 computed rate based upon its 2003 cost report filing or the rate in
101 effect for the period ending June 30, 2005. Such rate shall then be
102 increased by eleven dollars and eighty cents per day except that in no
103 event shall the rate for the period ending June 30, 2006, be thirty-two
104 dollars more than the rate in effect for the period ending June 30, 2005,
105 and for any facility with a rate below one hundred ninety-five dollars
106 per day for the period ending June 30, 2005, such rate for the period
107 ending June 30, 2006, shall not be greater than two hundred seventeen
108 dollars and forty-three cents per day and for any facility with a rate
109 equal to or greater than one hundred ninety-five dollars per day for
110 the period ending June 30, 2005, such rate for the period ending June
111 30, 2006, shall not exceed the rate in effect for the period ending June
112 30, 2005, increased by eleven and one-half per cent. For each facility
113 with an interim rate for the period ending June 30, 2005, the interim
114 replacement rate for the period ending June 30, 2006, shall not exceed
115 the rate in effect for the period ending June 30, 2005, increased by
116 eleven dollars and eighty cents per day plus the per day cost of the
117 user fee payments made pursuant to section 17b-320 divided by
118 annual resident service days, except for any facility with an interim
119 rate below one hundred ninety-five dollars per day for the period
120 ending June 30, 2005, the interim replacement rate for the period

121 ending June 30, 2006, shall not be greater than two hundred seventeen
122 dollars and forty-three cents per day and for any facility with an
123 interim rate equal to or greater than one hundred ninety-five dollars
124 per day for the period ending June 30, 2005, the interim replacement
125 rate for the period ending June 30, 2006, shall not exceed the rate in
126 effect for the period ending June 30, 2005, increased by eleven and one-
127 half per cent. Such July 1, 2005, rate adjustments shall remain in effect
128 unless (i) the federal financial participation matching funds associated
129 with the rate increase are no longer available; or (ii) the user fee
130 created pursuant to section 17b-320 is not in effect. For the fiscal year
131 ending June 30, 2007, each facility shall receive a rate that is three per
132 cent greater than the rate in effect for the period ending June 30, 2006,
133 except any facility that would have been issued a lower rate effective
134 July 1, 2006, than for the rate period ending June 30, 2006, due to
135 interim rate status or agreement with the department, shall be issued
136 such lower rate effective July 1, 2006. For the fiscal year ending June
137 30, 2008, each facility shall receive a rate that is two and nine-tenths
138 per cent greater than the rate in effect for the period ending June 30,
139 2007, except any facility that would have been issued a lower rate
140 effective July 1, 2007, than for the rate period ending June 30, 2007, due
141 to interim rate status or agreement with the department, shall be
142 issued such lower rate effective July 1, 2007. For the fiscal year ending
143 June 30, 2009, rates in effect for the period ending June 30, 2008, shall
144 remain in effect until June 30, 2009, except any facility that would have
145 been issued a lower rate for the fiscal year ending June 30, 2009, due to
146 interim rate status or agreement with the department shall be issued
147 such lower rate. The Commissioner of Social Services shall add fair
148 rent and movable equipment increases to any other rate increases
149 established pursuant to this subdivision for a facility which has
150 undergone a material change in circumstances related to fair rent or
151 movable equipment. Interim rates may take into account reasonable
152 costs incurred by a facility, including wages and benefits."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2008</i>	17b-340(f)(4)
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